



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **October 5, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager**

RE: **Opportunity for Council to appeal decisions of the Planning Commission of September 25, 2006 and the Administrative Hearing of September 27, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

If you have any questions, please contact Trudi Ryan, the City's Planning Officer at (408) 730-7435.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
September 25, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

- 1. Training – Transportation Calming Policy** – Dieckmann Cogill, Senior Transportation Planner *(45 minutes)*
- 2. Public Comment on Study Session Agenda Items** *(5 minutes)*
- 3. Comments from the Chair** *(5 minutes)*

Meeting adjourned at 7:50 p.m.

8:00 PM - Public Hearing – Council Chambers
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The Planning Commission met in regular session with Chair Klein presiding.

ROLL CALL

Members Present: Chair Larry Klein; Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Charles Hungerford; Commissioner Harriet Rowe; and Commissioner David Simons.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Steve Lynch, Senior Planner; Mariya Hodge, Assistant Planner; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of September 11, 2006.

ACTION: Vice Chair Sulser made a motion to approve the minutes of the Planning Commission meeting of September 11, 2006. Comm. Rowe seconded. Motion carried 6-0-1, Chair Klein abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0894 – Classic Communities** [Applicant] **Batton Associates, LLC**: Plan Review for a 1.3-acre site to allow modification to an approved SDP (#2006-0153) related to deck size and open space requirements. The property is located at **1049 Kiel Court** (near Weddell Dr) in an M-S/ITR/R-3 (Industrial & Service/Industrial to Residential/Medium Density Residential) Zoning District. (APN: 110-14-144) JMC **(Applicant requests continuance to October 9, 2006)**

Trudi Ryan, Planning Officer, said the applicant has requested continuance of this item to October 9, 2006. She said staff has no objection to this item being moved to this date.

ACTION: Comm. Rowe made a motion on 2006-0894 to continue the item to the October 9, 2006 Planning Commission meeting. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is continued to the October 9, 2006 meeting.

2. **2006-0683**: Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for a Coast Redwood tree and a Chinese Elm tree located in the back yard. The property is located at **1590 Oriole Avenue** in an R-0 (Low Density Residential) Zoning District. (APN: 313-29-002) – MH

ACTION: Comm. Simons made a motion on 2006-0683 to uphold the decision of the Director of Community Development and deny the Tree Removal Permit. Comm. Babcock seconded. Motion carried, 5-2, Comm. Ghaffary and Comm. Rowe dissenting.

APPEAL OPTIONS: This decision is final and is not appealable.

3. **2006-0027 - Lee Ashby** [Applicant] **John Arrillaga Trustee & Et Al** [Owner]: Application for a Use Permit on two adjacent properties totaling 5.7 acres site to allow the construction of two new office buildings resulting in 44% Floor Area Ratio (FAR) where 35% FAR is allowed by right. The property is located at **975 and 995 Benecia Avenue** (near Macara Ave) in an M-S (Industrial & Service) Zoning District. (Negative Declaration) (APN: 165-39-006) SL

ACTION: Comm. Simons made a motion on 2006-0627 to Adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify the language in COA 7.I to include that “Of the new trees installed that they shall be large native species trees as appropriate for placement on the site.”; to modify the language in COA 10.C.4 to reflect that the Transportation Demand Management (TDM) schedule of monetary fines to account for inflation. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on October 17, 2006.

4. Consideration of Revisions to Council Policy Governing Boards and Commissions – Robert Walker, Assistant City Manager

ACTION: Comm. Hungerford made a motion to: accept this report’s finding that the existing charter prohibits board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed. Cease any practice not in compliance with such interpretation. Revise Council policy 7.2.10 to support that position; charge the Ad Hoc Charter Review Committee with reviewing the existing charter language prohibiting board and commission members from being appointed to a different board or commission prior to completing the full term to which they were originally appointed; do not merge the Board of Building Code of Appeals with another board or commission. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded on and heard by the City Council on October 17, 2006.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said there were no Planning related items on the Council agendas since the last Planning Commission meeting.

Ms. Ryan noted that the upcoming Planning Commission agendas are busier and that she is hoping that the Commission can meet early for upcoming Study Sessions beginning at 6:30 p.m. on October 9, 2006 and October 23, 2006. She said an extra public hearing has been added on November 6, 2006, beginning 8 p.m. to accommodate the increase in agenda items.

Ms. Ryan noted that the Planning Commission has been provided with a copy of a staff report from the Neighborhood Preservation manager forwarded to the Commission for review regarding the code enforcement priority survey, which the Commission participated in. This report will be presented at the City Council meeting tomorrow evening, September 26, 2006. Ms. Ryan said there is a recommendation for a change in the zoning code, but staff did not feel that this particular change needed to be reviewed by Planning Commission as it reflects a change in another municipal code section (Title 8).

Other Staff Oral Report

Ms. Ryan announced several staff updates including the hiring of a third additional planner, Surachita Bose, Associate Planner, and two part-time interns.

INFORMATION ONLY ITEMS

Comm. Babcock reminded the Commission, staff and the public that the groundbreaking for the new Heritage Park Museum will be held on Saturday, September 30, 2006, from 11 a.m. to 2 p.m. at the Community Center Complex. She said the event is open to the public with free admission, and that everyone is invited to attend and enjoy the barbeque, live music, children's events and a huge antique and collectables sale.

Chair Klein congratulated Comm. Babcock on behalf of the Commission on getting to this next stage of constructing the new Heritage Park Museum.

Comm. Simons announced that coming up this week is the 20th Anniversary event for Leadership Sunnyvale. He said it will be located at the Historic Del Monte building Thursday, September 28, 2006 beginning at 6 p.m. He said further information regarding the event can be found at leadershipsunnyvale.org

Comm. Rowe asked staff for clarification about the upcoming Community Visioning Fair to be held on October 28, 2006 at the Community Center. Ms. Ryan said she believes the event is scheduled to be held from 9 a.m. to 2 p.m. and that she would confirm and provide the information to the Commission.

ADJOURNMENT

ADJOURNMENT TO STUDY SESSION

With no further business, the Commission meeting was adjourned 10:05 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, September 27, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

2006-0873 – John Hendrick [Owner]: Application for a Special Development Permit on an 11,718 square foot site to allow the conversion of medical office space to retail within an existing building. The property is located at **922 East Fremont Avenue** (near S Wolfe Rd) in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 313-01-055) RK

ACTION: Denied

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, October 12, 2006.

2006-0685 – Brian Wang [Applicant] **Celine M and Lo Hsieh** [Owners]: Application for related proposals on a 9,102 square-foot site located at **551 Grand Fir Avenue** (near Begona Ave) in an R-3 (Medium-Density Residential) Zoning District. (APN: 209-19-013)

- **Use Permit** to allow four condominiums,
- **Parcel Map** to subdivide one lot into condominium lots and a common lot.

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, October 12, 2006.

2006-0626 – Jack Horton [Applicant] **Tasman V LLC** [Owner]: Application for related proposals on three sites totaling 2.197 acres located at **1234 Elko Drive, 1249 Reamwood Avenue, and 1257 Tasman Drive** in an M-S (Industrial and Service) Zoning District. (APNs: 104-58-001, -002, and -007)

- **Use Permit** to allow 17 condominium units on the three lots (lots to remain), and
- **Parcel Map** to subdivide the lots into industrial condominium units and common areas.

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Saturday, October 14, 2006